

REMARKS

This Amendment is submitted in response to the Office Action dated August 2, 2004, having a shortened statutory period set to expire November 2, 2004. Claims 1, 10, 12, 14, 17, 20, 24-25, and 27 have been amended, claims 7-8, 15-16, and 19 remain canceled, and claims 5, 11, 13, 23, and 26 have been canceled in the present amendment. Claims 1-4, 6, 9-10, 12, 14, 17-18, 20-22, 24-25, and 27-28 are currently pending.

Claim Rejections Under 35 U.S.C. § 102:

Claims 1-4, 6, 9-12, 14, 17, 20-22, 24-25 and 27 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,575,833, issued to *Stockdale*. Regarding the grounds for rejecting independent claims 1, 10, and 25, it is asserted that *Stockdale* discloses an apparatus for exclusively binding data to a data processing system comprising: a data storage device in which said data is stored (non-volatile memory 318; Fig. 3); a battery that provides a binding signal independent of system power supplied to said data processing system (independent security monitoring hardware powered by an internal power source such as a battery; col. 2, lines 49-52); and a binding latch that receives said binding signal, wherein said binding latch is set upon removal of said binding signal (when battery fails, power latch bit may be used to indicate the power status; col. 17, lines 51-56). Regarding claim 20 it is further asserted that *Stockdale* additionally discloses a processing unit communicatively coupled to said binding latch, wherein responsive to detecting a binding latch set state, said processing unit removes data from said data storage device (data is unreliable, register is cleared; col. 17, line 54- col. 18, line 14).

Applicants note with appreciation the indicated allowability of claims 5, 13, 18, 23, 26 and 28 as objected to as dependent upon rejected base claims but allowable if rewritten in independent form including all base and intervening claim limitations. In view of the Examiner's indicated reasons for allowability, independent claim 1 has been amended to include the limitations of original claim 5, independent claim 10 has been amended to include the limitations of original claims 11 and 13, claim 20 has been amended to include the limitations of original claim 23, and claim 25 has been amended to include the limitations of original claim 26. Claims 5, 11, 13, 23 and 26 have been canceled accordingly.

Regarding the grounds for rejecting claim 24, Applicants disagree that *Stockdale's* apparatus/method is directed to "exclusively binding data to a data processing system." Instead, and as explained in the Abstract, claim 10 and in various passages in *Stockdale's* specification, one or more batteries are included on the processor board itself (depicted as removable processor module 312 in Fig. 3) and utilized in their traditional roles as backup or primary power sources (see Abstract, col. 10, lines 18-20; col. 10, lines 29-35) providing operational power to the object circuits or modules. In contrast, Applicants' apparatus employs battery power as a security "leash." As a "leash," the battery is located off-board the module on which the protected data is stored (compare *Stockdale's* Fig. 3 wherein the batteries 324 and 320 are included on the processor module 312 that is detachably mounted to backplane 304 to Applicants' Fig. 2 wherein battery 215 is coupled by a signal line from system planar 202 to input pin 211 of module 204). Unlike *Stockdale's* device in which low or otherwise interrupted backup battery power indicates unreliable circuit function, the off-board disposition of Applicants' battery signal is required to detect removal of the protected module from the board or planar. Therefore, in regard to the grounds for rejecting dependent claim 24, while Applicants agree that *Stockdale* discloses "a signal line connecting said binding signal from said battery to a sensing input," Applicants contend that *Stockdale* fails to disclose or suggest the further limitation "wherein said battery is mounted external to said detachable medium." Applicants thus submit that amended claim 24, which has been placed in independent form including the original limitations of claim 20, has also been placed in condition for allowance.

Please charge the fee of \$88.00 for one (1) additional independent claim (claim 24) to **IBM Deposit Account Number 50-0563.**

For the foregoing reasons, it is respectfully submitted that the pending claims have been placed in condition for allowance and favorable action is respectfully requested. No extension of time is believed to be required. However, in the event that an extension of time is required, please charge that extension fee and any other required fees to **IBM Corporation Deposit Account Number 50-0563.**

Applicants respectfully request the Examiner contact the undersigned attorney of record at (512) 343-6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



Matthew W. Baca

Reg. No.: 42,277

DILLON & YUDELL LLP

8911 North Capital of Texas Highway
Suite 2110

Austin, Texas 78759

Telephone 512-343-6116

Facsimile 512-343-6446

ATTORNEY FOR APPLICANTS